

Nebraska Lodging Tax

Revised October, 2001

For more information, check our
Web site: www.revenue.state.ne.us



This information guide provides an overview of Nebraska's lodging tax laws. It is not designed to answer all questions that arise, but is intended to enable a person to become familiar with the lodging tax rules affecting persons and businesses that provide rooms, lodging, or accommodations in this state.

Overview

A one percent Nebraska lodging tax is imposed on the total gross receipts charged for the occupancy of any space furnished by a hotel in this state. In addition, various counties have a county lodging tax ranging from one to four percent. The lodging taxes are in addition to the sales and use tax.

Definitions

A hotel is any commercial, nonprofit, or state-owned facility in which the public may, for a consideration, obtain sleeping accommodations. It includes:

- A hotel, inn, bed and breakfast, court or motel; or
- A tourist home or campground.

The term hotel does not include:

- A hospital, nursing home, or chronic care center;
- A boarding house;
- A dormitory or facility regularly used to house students in a facility operated by an approved educational institution; or
- Functional rooms of a hotel, such as ballrooms or meeting rooms.

Permit

Every person engaged in the business of operating a hotel, as defined above, must obtain a Nebraska Lodging Tax Permit. Each location must have its own lodging tax permit. Application for the required permit is made on the Nebraska Tax Application, Form 20.

Collecting and Remitting the Tax

Lodging tax is collected on the total gross receipts charged for providing accommodations and includes any amount **paid** by the hotel for occupation taxes, as well as amounts **charged** for additional persons, beds, or bedding. Lodging providers must collect the appropriate state and county lodging tax on the gross receipts for all accommodations unless a specific exemption applies. When collecting the tax, lodging providers are agents of the state, and the tax collected is a **trust fund** owned by the State of Nebraska. Therefore, it is recommended that lodging tax collected be separated from other business receipts and deposited in a separate account.

Both Nebraska and any county lodging taxes are remitted on the Nebraska and County Lodging Tax Return, Form 64. A Form 64 must be filed for each tax period or portion of a period during which the lodging tax permit is active, even if there is no tax due.

Each permitholder is allowed a collection fee as a reimbursement for collecting and remitting the Nebraska and county lodging taxes.

Form 64 is timely filed if postmarked by the U.S. Postal Service on or before the twenty-fifth day of the month following the tax period covered by the return.

Optional Services. Lodging tax is not collected on any **separately stated charge** for optional services such as:

- Room service;
- Porter or bellhop services;

- Pay-per-view movies;
- Telephone service;
- Wake-up service; or
- Valet service.

Some optional services may be subject to sales tax without being subject to lodging tax.

Exemptions

Lodging tax does not apply when rooms, lodging, or accommodations are supplied to the same tenant for a period of thirty (30) continuous days or more. In addition, organizations and governmental units that are exempt from sales tax are also exempt from lodging tax.

Most nonprofit organizations are NOT exempt from sales tax in Nebraska. In addition, not all governmental units are exempt from Nebraska sales Tax.

For specific details regarding who is exempt from sales tax, please refer to the following:

■ Nebraska Sales and Use Tax Regulations

- 1-012, Exemptions
- 1-090, Nonprofit Organizations
- 1-091, Religious Organizations
- 1-092, Educational Institutions
- 1-093, Governmental Units

■ Information Guides

- Nonprofit Organizations
- Governmental Units

All charges for tax-free accommodations must be supported by a Nebraska Resale or Exempt Sale Certificate, Form 13, Section B. The organization must provide its Nebraska Exempt Certificate Number on the Form 13. The exemption number begins with the prefix 05.

Federal, state and local governmental units are not issued numbered exemption certificates. Therefore, no number is required on the Form 13.

Charges to the federal government may also be supported by one of the following:

1. A federal certificate of exemption; or
2. Payment with a federal treasury warrant.

Employees of exempt organizations or governmental units must pay the lodging and sales tax when they personally pay for accommodations even if they are subsequently reimbursed by the organization or governmental unit.

Credit cards. Payments made with a government-sponsored credit card are taxable when the charges are billed to the employee. Generally, charges are billed to the employee when the employee's name appears on the credit card.

Payments made with a government-sponsored credit card are exempt when billed directly to the governmental unit.

General Information

Fines, penalties, and interest. Persons operating without a Nebraska Lodging Tax permit may be fined up to \$500.00 for each day of operation without the required permit. Criminal penalties may also be imposed.

A penalty of \$25.00 or ten percent of the tax due, whichever is greater, is imposed when the return is filed after the required due date or when the return is filed without the proper remittance of the tax.

Interest on delinquent tax is due at the statutory rate from the due date until payment is received.

Records. All Nebraska lodging tax permitholders must keep records for at least three years after the return is filed. The records should include the normal books of account and supporting documentation, and exempt sale certificates.

Regulations. The Nebraska Lodging Tax Regulations are provided to lodging tax permitholders. These regulations may be referred to when questions arise concerning the Nebraska and county lodging tax.

FOR NEBRASKA TAX ASSISTANCE

For All Tax Programs Except Motor Fuels

Contact your regional office or call toll free *1-800-742-7474 (Lincoln residents call 471-5729).

Nebraska Department of Revenue Web site address: www.revenue.state.ne.us

SCOTTSBLUFF

Panhandle State Office Complex
4500 Avenue I, Box 1500
Scottsbluff, Nebraska 69363-1500
Telephone (308) 632-1200

NORTH PLATTE

Craft State Office Building
200 South Silber Street
North Platte, Nebraska 69101-4200
Telephone (308) 535-8250

GRAND ISLAND

First Federal Bank Building, Suite 460
1811 West Second Street
Grand Island, Nebraska 68803-5469
Telephone (308) 385-6067

NORFOLK

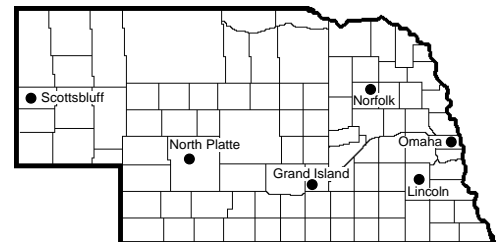
304 North 5th Street, Suite "D"
Norfolk, Nebraska 68701-4091
Telephone (402) 370-3333

OMAHA

Nebraska State Office Building
1313 Farnam-on-the-Mall
Omaha, Nebraska 68102-1871
Telephone (402) 595-2065

LINCOLN

Nebraska State Office Building
301 Centennial Mall South
Lincoln, Nebraska 68509-4818
Telephone (402) 471-5729



For Motor Fuels tax programs only call toll free 1-800-554-3835 (Lincoln residents call 471-5730).

Hearing-impaired individuals may call the Text Telephone (TT) at 1-800-382-9309. TDD (Telecommunications Device for the Deaf) is designated by the use of "TT," which is consistent with the Americans with Disabilities Act.

* Toll free from within the continental United States.